



Supreme Court of the State of New York
County of New York

SHLOMO COHEN ,

Plaintiff,

-against-

DAVID SCHOEN,

Defendant.

Index No. 114014/2005

Plaintiff(s) designates

New York County as the place of trial

The basis of the venue is

The county in which transaction occurred

Summons with Notice

Plaintiff(s) reside(s) at

c/o David H. Singer

225 Broadway, Suite 500

New York, NY 10007

County of New York

To the above named Defendant(s)

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated: October 5, 2005

Defendant's Address:
2800 Zelda Road
Suite 100-6
Montgomery, AL 36106

DAVID H. SINGER

Attorney for Plaintiff(s)

Office, Post Office Address and Tel. No.

225 Broadway, Suite 500

New York, New York 10007

(212) 233-8800

Notice: The nature of this action is See Verified Complaint

The relief sought is See Verified Complaint

Upon your failure to appear, judgment will be taken against you by default for the sum of See Verified Complaint with interest from See Verified Complaint, and the costs of this action.

Filed On 10/10/2005

NEW YORK
COUNTY CLERK'S OFFICE

OCT 05 2005

NOT COMPARED
WITH COPY FILED

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

SHLOMO COHEN

Plaintiff,

Index No.

- against -

DAVID SCHOEN

Defendant.

VERIFIED COMPLAINT

The plaintiff, SHLOMO COHEN, by his attorney, DAVID H. SINGER, complaining of the defendant, alleges as follows:

1. SHLOMO COHEN, is an individual who was a defendant in the matter of the United States of America v. SHLOMO COHEN under case number 01CR1208(S.1) (GBD) before the United States District Court, Southern District of New York.

2. DAVID SCHOEN, is an attorney at law duly admitted to practice law before the Courts of the State of New York and who maintains his principle place of business at 2800 Zelda Road, Suite 100-6, Montgomery, A.L. 36106.

3. On or about April 25, 2002, plaintiff and defendant entered into a written agreement or an oral agreement confirmed in writing wherein plaintiff retained defendant to represent him in a criminal matter before Judge Daniels, in the Southern District of New York for a total fee of \$50,000.00, for all work, including motions, hearings and trial in the pending criminal action.

4. The retainer agreement required plaintiff to retain co-counsel in New York to assist the defendant.

5. Pursuant to the retainer agreement, plaintiff paid defendant \$45,000.00, and provided co-counsel in New York City.

AS AND FOR A FIRST CAUSE OF ACTION

6. The plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "5" as if fully set forth herein.

7. On or about October 23, 2002, defendant submitted a motion to the United States District Court, Southern District of New York, to withdraw as defense counsel for plaintiff over plaintiffs objection.

8. The motion was filed on October 24, 2002.

9. On or about October 28, 2002, the Honorable George B. Daniels, granted defendants motion to withdraw as defense counsel.

10. In default of the retainer agreement with plaintiff, defendant failed to represent plaintiff at hearings and at the trial of his criminal case although defendant was fully paid to do so.

11. Plaintiff demanded the return of a portion of the paid retainer which the defendant failed, neglected and/or refused to return.

12. Because of the wrongful acts of defendant, the plaintiff has been damaged in the approximate amount of \$30,000.00.

13. Because of the wrongful acts of defendant, plaintiff demands judgement against the defendant in the amount of approximately \$30,000.00.

AS AND FOR A SECOND CAUSE OF ACTION

14. The plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "6" through "13" as if fully set forth herein.

15. In support of the motion for the defendant to withdraw as counsel for plaintiff, the defendant submitted an affidavit which cast negative dispersions upon the plaintiff, revealed attorney client privileges, divulged to the court confidential settlement negotiations, questioned the plaintiff's sanity to the court and in general, divulged information prejudicial to the plaintiff and which was not required to be divulged in support of the motion.

16. In connection with defendant's motion to withdraw as counsel for plaintiff, defendant did not utilize alternative, non prejudicial, procedures which were available to him in connection with his motion to withdraw, such as bringing the application before a different judge so as not to prejudice the trial judge or other alternatives.

17. Because of the wrongful acts of defendant, the plaintiff has been damaged in an unspecified amount.

18. Because of the wrongful acts of defendant, the plaintiff demands judgement against the defendant for damages in an unspecified amount for breach of the attorney client privilege, divulging confidential information to the court and divulging personal information to the court.

AS AND FOR A THIRD CAUSE OF ACTION

19. The plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "14" through "18" as if fully set forth herein.

20. Because the defendant withdrew as counsel for plaintiff, plaintiff was forced to hire new counsel to replace defendant.

21. The cost to hire new counsel was substantially more than the agreed upon price negotiated between plaintiff and defendant.

22. Because of the wrongful acts of defendant, plaintiff lost the benefit of his bargain with defendant in the amount of \$50,000.00.

23. Because of the wrongful acts of defendant, plaintiff demands judgement against the defendant in the amount of \$50,000.00.

WHEREFORE, the plaintiff demands judgment against the defendant as follows:

1. On the First Cause of Action, damages in the amount of \$30,000.00.
2. On the Second Cause of Action, damages in an unspecified amount.
3. On the Third Cause of Action, damages in the amount of \$50,000.00 , together with the costs and disbursements of this action with interest from April 25, 2002.

**Dated: New York, New York
October 4, 2005**

Yours, etc.,

DAVID H. SINGER
Attorney for Plaintiff
225 Broadway, Suite 500
New York, N. Y. 10007
212-233-8800

VERIFICATION

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

I, the undersigned, an attorney duly admitted to practice law before the Courts of the State of New York, hereby state that I am the attorney of record for the plaintiff in the within action; I have read the foregoing Verified Complaint and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe them to be true. The reason this verification is being made by me and not by the plaintiff herein is because (the plaintiff is not present in the same county where deponent maintains his office).

I affirm that the foregoing statements are true under penalties of perjury.

**Dated: New York, New York
October 4, 2005**



DAVID H. SINGER

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

SHLOMO COHEN,

Plaintiff,

-against-

DAVID SCHOEN,

Defendant.

NOTICE OF SUMMONS AND VERIFIED COMPLAINT

DAVID H. SINGER
Attorney for Plaintiff
Office and Post Office Address, Telephone
225 Broadway, Suite 500
New York, New York 10007
(212) 233-8800
Fax 212-385-4870

To:
Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for

CERTIFICATION OF ATTORNEY

I hereby certify under penalty of perjury and as an officer of the court that I have no knowledge that the substance of any of the factual submissions contained in this document is false.

Dated, October 5, 2005

DAVID H. SINGER
Attorney for Plaintiff
Office and Post Office Address
225 Broadway, Suite 500
New York, New York 10007